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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,029	03/22/2001	Yasuhiro Kajiwara	FUJR 18.475	6191

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KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

SAM, PHIRIN

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,029

Applicant(s)

KAJIWARA, YASUHIRO

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (U.S. Patent 5,956,339) in view of Dommety et al (U.S. Patent 6,654,361).

Harada et al discloses the invention (**claims 1-3**) as claimed including a source-side communication apparatus (see Fig. 1, element 1) which selects a best path suitable for routing a call, comprising:

- (a) source-side routing data management means for collecting information necessary for path calculation, evaluating possible paths with the collected information, and managing routing data that is obtained through the path evaluation (see Fig. 1, col. 6, lines 50-58, 63-67, col. 7, lines 1-4).
- (b) source-side best path finding means for finding a best path from among those listed in the routing data (see Figs. 2 and 5, col. 8, lines 28-35, 46-67, and col. 9, lines 1-65).

Harada et al does not disclose connection releasing means for releasing a particular connection when the source-side best path finding means has found a new best path that is more suitable for the particular connection than a path being currently used, while maintaining the connectivity of other existing calls. However, Dommety et al discloses connection releasing means for releasing the particular connection when the source-side best path finding means has

found the new best path (see Figs. 2, 5, and 6, abstract, col. 3, lines 3-9, 55-67, col. 10, lines 25-67, and col. 11, lines 1-41). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the connection releasing means for releasing the particular connection teaching by Dommety et al with Harada et al. The motivation for doing so would have been to provide to optimize the transmission path or routed connection read on col. 2, lines 50-53. Therefore, it would have been obvious to combine Dommety et al and Harada et al to obtain the invention as specified in the claims 1-3.

Regarding claims 4-9, Harada et al discloses a destination-side communication apparatus which selects a best path suitable for routing a call (when the destination-side select the best path for transmission the data from one node to the other node, then it acts as the source-side), comprising:

- (a) destination-side routing data management means for collecting information necessary for path calculation, evaluating possible paths with the collected information, and managing routing data that is obtained through the path evaluation (see Fig. 1, col. 6, lines 50-58, 63-67, col. 7, lines 1-4).
- (b) destination-side best path finding means for finding a best path from among those listed in the routing data (see Figs. 2 and 5, col. 8, lines 28-35, 46-67, and col. 9, lines 1-65).

Harada et al does not disclose connection releasing means for releasing a particular connection when the destination-side best path finding means has found a new best path that is more suitable for the particular connection than a path being currently used, while maintaining the connectivity of other existing calls. However, Dommety et al discloses connection releasing means for releasing the particular connection when the destination-side best path finding means

Art Unit: 2661

has found the new best path (see Figs. 2, 5, and 6, abstract, col. 3, lines 3-9, 55-67, col. 10, lines 25-67, and col. 11, lines 1-41). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the connection releasing means for releasing the particular connection teaching by Dommety et al with Harada et al. The motivation for doing so would have been to provide to optimize the transmission path or routed connection read on col. 2, lines 50-53. Therefore, it would have been obvious to combine Dommety et al and Harada et al to obtain the invention as specified in the claims 4-9.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Le Boudec et al (U.S. Patent 6,044,075) discloses apparatus and method for routing a communication in a network.

(2) Seid (U.S. Patent 5,754,543) discloses connectivity matrix-based multi-cost routing.

(3) Minot (U.S. Patent 5,481,604) discloses telecommunication network and searching arrangement for finding the path of least cost.

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Phirin Sam whose telephone number is (703) 308 - 9294.

The Examiner can normally be reached on Monday - Friday from 8:30AM - 4:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Douglas W. Olms can be reached at (703) 305 - 4703. The fax number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217 - 9197 (toll-free).

Respectfully submitted,

Date: July 27, 2004

A handwritten signature in black ink, appearing to read "Phirin Sam", written over a horizontal line.

Phirin Sam
Patent Primary Examiner